

Notice of Allowability

Application No.

10/705,643

Examiner

Ismael Negron

Applicant(s)

DUCHARME ET AL.

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed November 1, 2007.
2. ☒ The allowed claim(s) is/are 1,9,15-20,22-37,39-64,66-79,81-87,89-95,98,100,101,103-109,112 and 114-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CONTINUATION OF: Attachment(s), Item 3 - Information Disclosure Statements filed on 11/10/2003, 10/25/2004, 8/15/2005 and 8/7/2006 with non-dated NPLs cancelled

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on November 1, 2007 has been entered. Claims 1, 9, 44-47, 51, 57, 59-62, 66-69, 71, 74-76, 79, 81-84, 89, 90, 103, 105, 106 and 108 have been amended. Claims 2-8, 10-14, 80, 88, 96, 97, 102, 110, 111 and 113 have been cancelled. No claim has been added. Claims 1, 9, 15-20, 22-37, 39-64, 66-79, 81-87, 89-95, 98, 100, 101, 103-109, 112, 114-117 are still pending in this application, with claims 15, 28, 36, 64, 70, 78, 98, 104 and 112 being independent.

Allowable Subject Matter

2. Claims 1, 9, 15-20, 22-37, 39-64, 66-79, 81-87, 89-95, 98, 100, 101, 103-109, 112, 114-117 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illumination device having plurality of groups of light-emitting devices, at least one first group of light emitting devices being for emitting a first spectrum of light and a second group being for emitting a second spectrum different from the first one. A controller drives each group to produce a composite spectrum, such composite spectrum including wavelength only within a contiguous bandwidth of a predetermined target range when the controller supplies prescribed maximum amounts

Art Unit: 2885

of power to all the groups of light emitting devices. In a second embodiment the composite spectrum simulates the spectrum of a predetermined light source. In a third embodiment, the plurality of light emitting devices includes at least two white light emitting diodes, such diodes having respectively different spectra. In a fourth embodiment, the controller is configured to vary the color temperature of the composite radiation within a range of approximately 2,300 degrees Kelvin and 4,500 degrees Kelvin.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee, can be reached on (571) 272-7044. The facsimile machine number for the Art Group is (571) 273-8300.

Art Unit: 2885

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

/Ismael Negron/
Patent Examiner
AU 2885